



**Virginia  
Regulatory  
Town Hall**

## Exempt Action Final Regulation Agency Background Document

<b>Agency Name:</b>	Boards of Nursing and Medicine, Department of Health Professions
<b>VAC Chapter Number:</b>	18 VAC 90-40-10 et seq.
<b>Regulation Title:</b>	Regulations for Prescriptive Authority for Licensed Nurse Practitioners
<b>Action Title:</b>	Conformity to changes in law
<b>Date:</b>	6/13/00

Where an agency or regulation is exempt in part or in whole from the requirements of the Administrative Process Act (§ 9-6.14:1 *et seq.* of the *Code of Virginia*) (APA), the agency may provide information pertaining to the action to be included on the Regulatory Town Hall. The agency must still comply the requirements of the Virginia Register Act (§ 9-6.18 *et seq.* of the *Code of Virginia*) and file with the Registrar and publish their regulations in a style and format conforming with the *Virginia Register Form, Style and Procedure Manual*. The agency must also comply with Executive Order Fifty-Eight (99) which requires an assessment of the regulation's impact on the institution of the family and family stability.

This agency background document may be used for actions exempt pursuant to § 9-6.14:4.1(C) at the final stage. Note that agency actions exempt pursuant to § 9-6.14:4.1(C) of the APA do not require filing with the Registrar at the proposed stage.

In addition, agency actions exempt pursuant to § 9-6.14:4.1(B) of the APA are not subject to the requirements of the Virginia Register Act (§ 9-6.18 *et seq.* of the *Code of Virginia*) and therefore are not subject to publication. Please refer to the *Virginia Register Form, Style and Procedure Manual* for more information.

### Summary

*Please provide a brief summary of the proposed new regulation, amendments to an existing regulation, or the regulation being repealed. There is no need to state each provision or amendment or restate the purpose and intent of the regulation, instead give a summary of the regulatory action and alert the reader to all substantive matters or changes. If applicable, generally describe the existing regulation.*

In conformity with amendments to the Code of Virginia made by Chapter 924 of the 2000 Acts of the Assembly, the Boards of Nursing and Medicine have amended sections 10, 80, 90 and 120 of its regulations for licensed nurse practitioners with prescriptive authority to eliminate references to the approved formulary of drugs.

### Statement of Final Agency Action

*Please provide a statement of the final action taken by the agency including the date the action was taken, the name of the agency taking the action, and the title of the regulation.*

On May 16, 2000, the Virginia Board of Nursing and on June 8, 2000, the Virginia Board of Medicine adopted amendments to 18 VAC 90-40-10 et seq. (Regulations for Prescriptive Authority for Nurse Practitioners).

### Additional Information

*Please indicate that the text of the proposed regulation, the reporting forms the agency intends to incorporate or use in administering the proposed regulation, a copy of any documents to be incorporated by reference are attached.*

*Please state that the Office of the Attorney General (OAG) has certified that the agency has the statutory authority to promulgate the proposed regulation and that it comports with applicable state and/or federal law. Note that the OAG's certification is not required for Marine Resources Commission regulations.*

*If the exemption claimed falls under § 9-6.14:4.1(C) (4)(c) of the APA please include the federal law or regulations being relied upon for the final agency action.*

The text of the amended regulation is attached to this submission.

The Assistant Attorney General has certified that amendments to 18 VAC 90-40-10 et seq. are "necessary to conform to changes in Virginia statutory law or the appropriation act where no agency discretion is involved". Therefore, § 9-6.14:4. (C) (4) is applicable and the amendments are exempt from Article 2 of the Administrative Process Act.

### Family Impact Statement

***Please provide an analysis of the regulatory action that assesses the impact on the institution of the family and family stability including the extent to which the regulatory action will: 1) strengthen or erode the authority and rights of parents in the education, nurturing, and supervision of their children; 2) encourage or discourage economic self-sufficiency, self-pride, and the assumption of responsibility for oneself, one's spouse, and one's children and/or elderly parents; 3) strengthen or erode the marital commitment; and 4) increase or decrease disposable family income.***

The Board determined that there is no impact on the family or family stability as a result of these amendments to regulations.